

Remarks

Claims 1, 3-5, and 40 were previously pending in the application. After entry of the response Claims 1, 3-5, and 40 will remain pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejections 35 U.S.C. §103

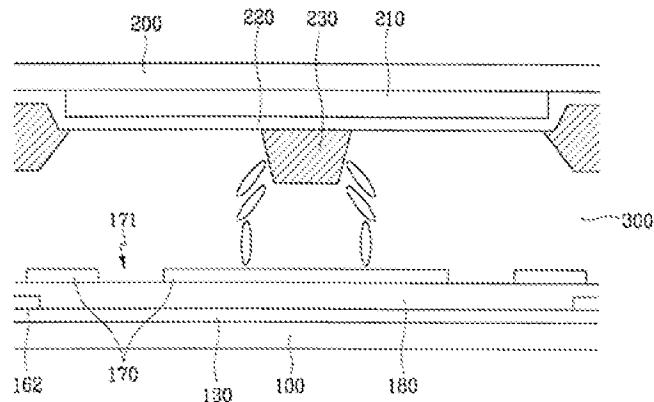
Claims 1, 3-5, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura et al. (U.S. Patent No. 5,636042), herein referred to as “Nakamura”, in view of Choi (U.S. Patent No. 6,169,592).

Of the above-referenced claims, Claim 1 is independent. Accordingly, once allowability of that claim is established, all claims depending therefrom are likewise allowable.

**Claim 1** recites, “wherein the transparent electrode is disposed below the black matrix and above the color filter”.

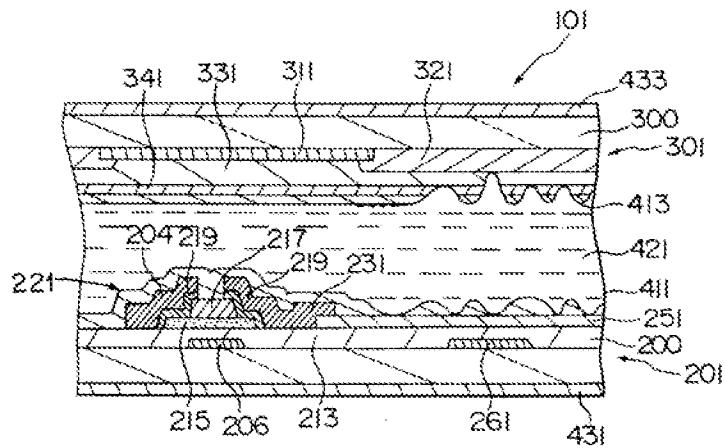
As shown in below in Figure 1, “An RGB color filter 210 is formed on the upper substrate 200 in each pixel region. A common electrode 220, which is made of a transparent conducting material such as ITO (indium tin oxide), is formed over the color filter 210. Also, an organic black matrix 230, which is made of a photosensitive material that contains black pigments such as graphite powder, is formed on the common electrode 220. The black matrix 230 is directly formed into a protrusion pattern” [¶0048].

FIG. 1



The Examiner indicated that the language used in Claim 1, specifically the praise “disposed on”, does not limit the structural arrangement of the claimed subject matter. As indicated above Applicants have amended Claim 1 to more clearly define the subject matter. As shown below in Figure 2, the opposed electrode 341 of **Nakamura** is not disposed below the light attenuating layer 311 **and** above the color portion 321, as recited in Applicants’ Claim 1.

FIG. 2



**Choi** fails to remedy the deficiency of **Nakamura**.

Accordingly, Applicants respectfully submit that Nakamura and Choi alone or in combination fail to disclose, teach, or otherwise suggest, “wherein the transparent electrode is disposed below the black matrix and above the color filter”, as recited in Applicants’ Claim 1.

For at least this reason, Applicants respectfully submit independent Claim 1, and all claims depending therefrom are patentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

#### Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-5029. If the Examiner has any questions or concerns, a telephone call to the undersigned at (408) 331-1682 is welcomed and encouraged.

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